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Dr. Barbara Schneeman

Ms. Nancy Crane

Dr. F. Edward Scarbrough

US CODEX

Mr. Charles Cooper

U.S. Food and Drug Administration  
5100 Paint Branch Parkway  
College Park, MD 20740

Dear Mr. Cooper

U.S. Food and Drug Administration  
5100 Paint Branch Parkway  
College Park, MD 20740

US CODEX

U.S. Food and Drug Administration  
5100 Paint Branch Parkway  
College Park, MD 20740

Dear Dr. Scarbrough

U.S. Food and Drug Administration  
5100 Paint Branch Parkway  
College Park, MD 20740

Dear Ms. Crane

Dr. Barbara Schneeman  
Food and Drug Administration  
5600 Fishers Lane  
Rockville, Maryland 20857

Dear Dr. Schneeman

RE: USDA DOCKET NO. 04-022N

This is to first thank you and Dr. Scarbrough for the hard work the entire U.S. Codex Delegation has been doing in efforts to safeguard the rights, interests and sovereignty of American citizens.

In terms of specific comments, regarding Agenda Item No. 4 in the U.S. Draft Position, in section 3.1.2, I agree with the U.S. Delegation's request to include the words "sources of vitamins and minerals may be from natural and synthetic sources" since most dietary supplements include ingredients from both categories.

More broadly, as a U.S. citizen, I want to encourage you as a U.S. Delegate to Codex to make sure that the U.S. Codex Delegation does everything in its power to protect the integrity and sovereignty of DSHEA, both here in the U.S. and at overseas Codex meetings.

The U.S. Congress unanimously passed DSHEA with the support of millions of Americans in order to protect American's health choices. DSHEA is a safe and sound model that works.

The U.S. Codex Delegation should acknowledge and defend the basic principles of freedom of choice for all consumers and should labor to ensure that no barriers of access to safe and effective dietary supplements are created or approved in Codex.

It is my understanding that Codex guidelines are not regulations but guidelines. In terms of these guidelines, I ask you, and the entire U.S. Delegation, to please support the following positions, whether they relate to your Committee or to other committees on which official U.S. Codex Delegates serve:

I'm deeply troubled that Codex, in an attempt to establish Upper Safe Limits (USLs) for all vitamins and minerals, would actually be creating both health and safety problems for consumers of dietary supplements. In addition to limiting consumer access to health-enhancing potencies of supplements, I feel strongly that Codex-mandated upper safe limits for 99.9% of vitamins and minerals (with the possible exception of vitamins A, D, and K and selenium and zinc) are completely against the health interests of U.S. and worldwide consumers. Instead, I ask the U.S. Delegation to recommend that the proposed "Upper Safe Limits" (USLs) concept be changed to "Recommended Upper Levels" (RULs), similar to the RDAs and DRIs--recommendations not mandated limits.

Recommend against approved lists, positive lists or lists of any kind as not in consumer's interest.

Recommend against the "Precautionary Principle" in all Codex guidelines pertaining to dietary supplements as this principle, when applied to dietary supplements, is flawed and non-scientific and will lead to the setting of capricious and arbitrary potencies.

Respect the WHO's own recommendations and recommend that the purified omega-3 fats, DHA and ARA, are included as essential standards for all infant formula throughout the world.

? Recommend against trans fats, hydrogenated oils, unhealthful oils (e.g., palm and cottonseed), GMO-source ingredients (to the extent known), high-fructose corn syrup, synthetic ingredients of any kind in infant formula, infant foods and children's foods.

? Vigorously protect and defend DSHEA and encourage the adoption of the language of DSHEA as the international standard for dietary supplement regulation in all Codex meetings and negotiations.

If, to accomplish these recommendations, our U.S. Delegation has to send back certain agenda items to the drawing board, then so be it. I'm sure you would agree that the greater good is that the U.S. and Codex get it right, not just get it done.

President George W. Bush has made it clear that exporting freedom to the rest of the world is a noble and moral imperative.

As our U.S. representatives to Codex, you and Dr. F. Edward Scarbrough are charged to ensure that our nation's hard-won health freedoms, a good example of which is DSHEA, are exported along with those other freedoms about which Americans care so deeply and for which our nation has always been willing to fight.

I am confident that you and Dr. Scarbrough won't let us down at the conference tables in Bonn, Rome, Geneva and here in the U.S.

Sincerely,